UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,117	11/01/2001	Dale E. Gulick	2000.051400	2421

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EXAMINER
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ART UNIT	PAPER NUMBER
2112	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 August 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-29_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-23,25-27 and 29_ is/are rejected.

7)☒ Claim(s) _24, 28_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _01 November 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This Office Action is responsive to communication filed 8/02/05. Currently claims

1-29 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. *Claims 1-6, 12-16, and 21 stand rejected as being obvious over well-known*

   features, as evidenced by the ASF specification, and Trieu (US 5925135).

Regarding claims 1 and 13, the Examiner takes Official Notice that one of

ordinary skill in the art would have known these features of the Alert Standard Format,

as evidenced for example by the ASF specification, which teaches the interface logic

and first external bus (e.g., ASF Specification, p. 48, "SMBus"), an Alert Standard

Format management engine configured to receive Alert Standard Format sensor data

over the first external bus (e.g., p. 48, "ASF sensor"); and an indicator configured to

indicate a master mode (e.g., p. 63, "polls the legacy sensor device", p. 50, "poll ASF-

sensors") or a slave mode (e.g., p. 48, "alert sending device"), wherein in the master

mode, the embedded Alert Standard Format management engine is further configured

to actively poll for the Alert Standard Format sensor data over the first external bus

(e.g., p. 50, "poll ASF-sensors"). Although the master and slave modes responsive to the priority assertion of an ASF network interface card are not an express feature of the standard; it is an inherent feature of the SMBus, as evidenced by further description provided in Trieu who teaches the use of multiple masters which necessarily entails detection of other masters (e.g., col. 1, line 66 – col. 2, line 2). It would be obvious to combine this feature of the SMBus in order to implement the standard.

Regarding claims 2 and 3, it would also have been well known to use a second bus interface logic for coupling to a first internal bus, wherein data from the first external bus is routable by the embedded Alert Standard Format management engine over the first internal bus with an embedded Ethernet controller coupled to the first internal bus (e.g., p. 6, Figure: "NIC Driver").

Regarding claim 4, it would also have been well known to use the embedded Ethernet controller configured to route the Alert Standard Format sensor data from the embedded Alert Standard Format management engine to an external management server (e.g., p. 18, paragraph 1 *et seq.*, "RMCP").

Regarding claim 5, it would also have been well known to use the indicator stored in an enable register in the integrated circuit (e.g., p. 49, "alert-related information").

Regarding claim 6, it would also have been well known to use a power port configured to receive a reserve power signal, wherein the reserve power signal provides reserve power to the enable register (e.g., p. 23, "Power-up").

Regarding claim 12, it would also have been well known to use the embedded

Alert Standard Format management engine in slave mode configured to respond to an

external Alert Standard Format master (e.g., p. 48, "alert sending device").

Regarding claim 14, it would also have been well known to route the Alert

Standard Format sensor data from the means for receiving Alert Standard Format

sensor data to an external management server (e.g., p. 28, §3.2.3.5: "RMCP").

Regarding claim 15, it would also have been well known to use means for

receiving Alert Standard Format sensor data configured to respond to an external Alert

Standard Format master while in the slave mode (e.g., p. 48, "alert sending device").

Regarding claim 16, the Examiner takes Official Notice that one of ordinary skill

in the art would have known these features of the Alert Standard Format, as evidenced

for example by the ASF specification, which teaches a first bus; a location for coupling

to the first bus configured to receive an Alert Standard Format network interface card;

and an integrated circuit, comprising a first bus interface logic for coupling to the first

bus (e.g., p. 48, "SMBus"), an Alert Standard Format management engine for receiving

ASF sensor data configured to receive ASF sensor data over the first bus (e.g., p. 48,

"alert sending device"); and an indicator configured to indicate a master mode or a slave

mode for the Alert Standard Format management engine, wherein in the master mode,

the Alert Standard Format management engine is further configured to actively poll for

the ASF sensor data over the first bus (p. 50, "poll ASF-sensors"), while, the Alert

Standard Format management engine is not further configured to actively poll for the

ASF sensor data over the first bus in the slave mode (e.g., p. 48, "alert sending

device"). Although the master and slave modes responsive to the priority assertion of an ASF network interface card are not an express feature of the standard; it is an inherent feature of the SMBus, as evidenced by further description provided in Trieu who teaches the use of multiple masters which necessarily entails detection of other masters (e.g., col. 1, line 66 – col. 2, line 2). It would be obvious to combine this feature of the SMBus in order to implement the standard.

Regarding claim 21, it would also have been well known to use the Alert Standard Format network interface card installed at the location (e.g., p. 6, Figure: "NIC Driver"); and wherein the indicator of the integrated circuit indicates the slave mode in response to the presence of the Alert Standard Format network interface card (e.g., p. 28, "Legacy ON state").

It would have been obvious to one of ordinary skill in the art to use these well-known features of the Alert Standard Format in the combination as stated above in respective parent claims.

2. *Claims 7-10, 17, 19-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over well known features applied in respective parent claims, in view of additional well-known features, as evidenced by Hobson (US 6360327).*

Regarding claims 7 and 19, it would also have been well known in implementing ASF to use a standard system architecture (e.g., ASF specification, p. 6, Figure: "Local System"), although an additional external bus is not an express feature of the standard. However, the Examiner takes Official Notice that this feature well known. This is

evidenced for example by Hobson, who discloses the bus in a system with a bridge

(e.g., Fig. 3: "PCI Bus"). It would have been obvious to one of ordinary skill in the art to

combine the external bus with the use of ASF because the use of a standard external

bus is commonplace for conveniently connecting devices over a standard bus in a

computer system.

Regarding claims 8 and 20, it would also have been well known in implementing

ASF to use an exemplary computer system although a south bridge is not an express

feature; however, the Examiner takes Official Notice that a south bridge is an industry

standard feature in computer systems as evidenced by Hobson; who expressly

discloses the common north bridge/ south bridge terminology in a standard computer

system (e.g., Figure 1). It would be obvious to combine an implementation of ASF with

industry standard computer architecture because the intent of ASF was its application to

standard computer systems. Therefore it would have been obvious to use industry

standard architecture in combination with ASF to obtain the claimed invention.

Regarding claim 9, it would also have been well known in implementing ASF to

use the first input/output bus as an SMBus (e.g., p. 49, §5.1.1: "sensor responds").

Regarding claims 10 and 17, it would also have been well known in implementing

ASF to control the ASF aware device (e.g., p. 30, Figure). Although the detail of a micro

controller is not express feature of the specification; the Examiner takes Official Notice

that using a microcontroller to control is well known to one of ordinary skill in the art, as

evidenced by Hobson (e.g., col. 11, lines 57-59). It would have been obvious to use a

microcontroller to implement a management engine, because one of ordinary skill in the

art is well aware of the use of microcontrollers to implement control logic.

3. *Claims 11 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable*

   over the well-known features applied in respective parent claims supra, further in

   view of additional well-known features, as evidenced by Schwarz (US 4910732).

Regarding claims 11 and 18, it would also have been well known in implementing

the ASF standard to implement control requirements in a controller. Although the

specification does not expressly mention the particular embodiment of an 8051

controller, the Examiner takes Official Notice that it is obvious to use an industry

standard controller such as an 8051 controller to implement a microcontroller as

evidenced by Schwarz (e.g., col. 1, lines 36-39). It would have been obvious to use an

8051 controller to implement the ASF specification's control requirements because 8051

is a well-known universal microcontroller for implementing a broad variety of control

functions, such as network controller operations. Therefore it would have been obvious

to combine a widely used controller with the with the use of ASF to obtain the claimed

invention.

4. *Claims 22-23 and 26-27 stand rejected under 35 U.S.C. 103(a) as being*

   unpatentable over the well-known features, as evidenced by the ASF

   specification, Trieu, and Cromer (US 6282642).

Regarding claims 22 and 26, the Examiner takes Official Notice that one of ordinary skill in the art would have known these features of the Alert Standard Format, as evidenced for example by the ASF specification, which teaches in implementing ASF standard to detect an Alert Standard Format network interface card presence in the client computer system (e.g., p. 49, §5.1.1: "sensor responds"). Although the master and slave modes responsive to the priority assertion of an ASF network interface card are not an express feature of the standard; it is an inherent feature of the SMBus, as evidenced by further description provided in Trieu who teaches the use of multiple masters which necessarily entails detection of other masters (e.g., col. 1, line 66 – col. 2, line 2). It would be obvious to combine this feature of the SMBus in order to implement the standard.

The ASF standard does not expressly include the master and slave modes as expressly occurring in a south bridge; however Examiner takes Official Notice that the south bridge is a device known in the industry standard and commonly used to interface disparate buses employed in the standard architecture, such as the SMBus used in the ASF standard. This finds evidence in Cromer who describes a computer architecture as including a south bridge (e.g., col. 4, lines 60-67, "core chipset 66"), which controls the SMBus (e.g., col. 8, lines 19-24). It would have been obvious to combine a standard implementation of ASF with industry standard practice because the ASF standard was intended to benefit from use in industry standard architectures. Therefore it would have been obvious to combine the ASF standard with industry standard practices to obtain the claimed invention.

Regarding claims 23 and 27, the ASF standard also discloses assertion of

priority according to the SMBus specification and thus inherently providing an indication

of either the master or slave mode (e.g., ASF Specification, p. 63, "polls the legacy

sensor device", p. 50, "poll ASF-sensors").

5. *Claims 25 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable*
   over the ASF standard as applied above in claims 22 and 26, respectively, in
   view of Cromer.

The ASF standard does not expressly mention the south bridge responding to

power management requests from the network interface card; however this feature is

disclosed by Cromer. Cromer discloses south bridge responding to power management

requests (e.g., col. 8, lines 24-32). It would have been obvious to combine the ASF

standard implementation with Cromer, because Cromer teaches the response to

requests in a power management system, which is a precursor to the Alert Standard

Format, as evidenced by the ASF Specification. Cromer further teaches the

advantages of providing power management information held by a south bridge to the

network information card to allow greater control of the power management functions of

the client system over the network. Therefore it would have been obvious to combine

Cromer with the ASF standard to obtain the claimed invention.

Allowable Subject Matter

6. *Claims 24 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.*

Response to Arguments

Applicant's arguments filed 8/2/05 have been fully considered but they are not persuasive.

Regarding claims 1, 13, 16, 22, and 26, Applicant argues that "the ASF specification does not describe or suggest an indicator configured to indicate a master mode for the Alert Standard Format management engine <u>when an interface card is coupled to the first external bus</u> or a slave mode for the Alert Standard Format management engine <u>when the interface card is absent from the first external bus</u>" (pp. 11-12, emphasis original, analogous arguments for claims 22 and 26 in the sequel); however as maintained supra, this feature is not an aspect of the ASF specification per se, but rather of the SMBus, which features both master and slave modes. Because the SMBus is inherently a multi-master bus, the disposition of a unit on the bus is determined by the current master. If an interface card is a master (i.e., "coupled to the bus"), then according to the SMBus protocol, other complying units are slaves. The claimed Alert Standard Format engine can only operate by asserting itself as master, and it can only assert itself as master when another unit on the multimastering SMBus

is not itself asserting this privilege. Examiner has taken Official Notice that this is the inherent operation of the SMBus and has applied this common knowledge of the SMBus operation in rejecting this feature of the claims.

Applicant subsequently argues that this feature is not found in other cited references; however, as treated, it is the inherent operation of the SMBus that discloses this feature.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford H. Knoll whose telephone number is 571-272-3636. The examiner can normally be reached on M-F 0630-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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PRIMARY EXAMINER